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GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

8/2/2013-LA

The Goa Public Libraries (Amendment and Validation) Ordinance, 2013 (Ordinance No. 2 of 2013), which has been promulgated by the Governor of Goa on 28-9-2013, is hereby published for the general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 30th September, 2013.

The Goa Public Libraries (Amendment and Validation) Ordinance, 2013

(Ordinance No. 2 of 2013)

Promulgated by the Governor of Goa in the Sixty-fourth Year of the Republic of India.

An Ordinance further to amend the Goa Public Libraries Act, 1993 (Goa Act No. 14 of 1995) and to validate the levy and collection of library cess.

Whereas, the Legislative Assembly of Goa is not in session and the Governor of Goa is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Goa Public Libraries (Amendment and Validation) Ordinance, 2013.

(2) It shall be deemed to have come into force with effect from the 28th day of July, 2009.

2. *Amendment of section 18 of Goa Act No. 14 of 1995.*— In section 18 of the Goa Public Libraries Act, 1993 (Goa Act No. 14 of 1995) (hereinafter referred to as the "principal Act"), for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Government shall, by notification in the Official Gazette, levy a library cess,

at such rate as may be specified therein, in the form of a surcharge on the excise duty or other duties or any fees payable on Indian made foreign liquor, foreign liquor, beer and/or wine under the Goa Excise Duty Act, 1964 (Act 5 of 1964).".

3. *Validation.*— (1) Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary,—

(a) the Government Notification No. 1/1/2008-Fin (R&C) dated 28-07-2009, published in the Official Gazette, Extraordinary No. 2, Series I No. 17 dated 29-07-2009;

(b) the Government Notification No. 1/3/2011-Fin (R&C)/Part dated 09-12-2011, published in the Official Gazette, Extraordinary, Series I No. 36 dated 09-12-2011;

(c) any library cess levied or collected or purported to have been levied or collected under the said notifications; and

(d) any action taken or thing done in relation to such levy or collection under the provisions of the principal Act,

shall, for all purposes, be deemed to be and to have always been validly issued or levied or collected or taken or done, as the case may be, in accordance with the provisions of section 18 of the principal Act as amended by this Ordinance and accordingly,—

(i) no suit or other proceeding shall lie or be maintained or continued in any Court or before any Tribunal, Officer or other authority, for the refund of any library cess so paid; and

(ii) no Court, Tribunal, Officer or other authority shall enforce any decree or order directing the refund of any library cess so collected;

(iii) any library cess levied or purported to have been levied but not collected, may be recovered under the principal Act as amended by this Ordinance; and

(iv) anything done or any action taken or purported to have been done or taken under or for the purposes of the principal Act and/or under the said notifications, shall be deemed to have been validly done or taken in accordance with law as if the provisions of section 18 of the principal Act, as amended by this Ordinance, had been in force at all material times.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing a person,—

(a) from questioning in accordance with the provisions of the principal Act, as amended by this Ordinance, or the said notifications, the levy or collection of library cess referred to in sub-section (1); or

(b) from claiming refund of any library cess paid by him in excess of the amount due from him under the principal Act, as amended by this Ordinance, or the said notifications.

Place: Raj Bhavan,
Dona Paula.
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B. V. WANCHOO
Governor of Goa.

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